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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 DAVID TIPPENS,

15 Defendant.

CASE NO. CR16-5110 RJB

CORRECTED

AMENDED ORDER DISMISSING
COUNT 1 AND COUNT 3

16 The Order issued today (Dkt. 174) is HEREBY AMENDED to the following:

17 For the reasons stated in open court on March 14, 2017, Counts 1 and 3 are HEREBY
18 DISMISSED.

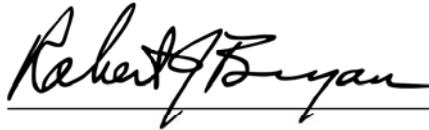
19 The dismissal shall become effective on **Thursday**, March 23, 2017, absent a filing of a
20 notice of appeal by the United States. *See* CIPA §6, 18 U.S.C. App. §6(e)(2)(C) (“An order . . .
21 shall not take effect until the court has afforded the United States an opportunity to appeal such
22 order under section 7, and thereafter to withdraw its objection to the disclosure of the classified
23 information at issue.”); and CIPA §7, 18 U.S.C. App. §7(a) (“An interlocutory appeal by the
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1 United States . . . shall lie to a court of appeals from a decision or order of a district court in a
2 criminal case . . . imposing sanctions for nondisclosure of classified information . . .”).

3 IT IS SO ORDERED.

4 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
5 to any party appearing *pro se* at said party's last known address.

6 Dated this 15th day of March, 2017.

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9 ROBERT J. BRYAN
10 United States District Judge
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